

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**SHERRY SHEPARD, AS NEXT AND  
BEST FRIEND OF J.S., A MINOR**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 4:17-CV-00091-DMB-JMV**

**THE CLEVELAND SCHOOL DISTRICT,  
STEVEN CRADDOCK, in his individual capacity, DR.  
JACQUELYN THIGPEN, in her individual  
and official capacity**

**DEFENDANTS**

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**ORDER ON MOTION TO DEEM REQUEST FOR ADMISSIONS ADMITTED**

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This matter is before the Court on Defendant Cleveland School District's Motion to Deem Request for Admissions Admitted. The Court, having considered the motion and briefing, finds that the motion is not well taken and should be DENIED.

Counsel for the Defendants has cited, to support its motion, case law handed down in several Federal District Courts for other states, as there is no case law, presently, in this District or the Fifth Circuit to support the motion. However, there is, in support of Plaintiff's position, a District Court decision on this issue in this state, *Miller v. Seigen 7 Dev., LLC*, No. 5:13cv278-DPJ-FKB, 2014 U.S. Dist. LEXIS 126574 (S.D. Miss. Sep. 10, 2014).<sup>1</sup>

Upon review of the relevant rules and case law, the Court is of the opinion that the analysis and ruling of Judge Jordan is meritorious and adopts that approach in this case.

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<sup>1</sup> Although decisions of other District Courts are not binding on this Court, the Court may adopt the opinion of another District Court, should it find the opinion persuasive, in the absence of controlling precedence. *Noatex Corp. v. King Constr. of Houston, LLC*, No. 3:11CV152-SAA, 2013 WL 12241279, at \*2 (N.D. Miss. Feb. 13, 2013).

THEREFORE Defendant's Motion to Deem the Requests for Admissions Admitted is hereby DENIED.

THE COURT FURTHER ORDERS the Defendant to serve the subject requests for admissions accordingly.

SO ORDERED this the 15<sup>th</sup> day of March, 2018.

/s/ Jane M. Virden  
U.S. MAGISTRATE JUDGE